The Library of Congress'

EARLY STATE RECORDS PROJECT

converted from the original microfilm held by the
Vincent C. Immel Law Library, Saint Louis University

through the generous support of a grant from the

Council on Library and Information Resources

This document contains handwritten text that may be partially illegible due to age, penmanship, or deterioration of the medium. LLMC has scanned the material in the same format and page order in which it is maintained in the source document taken from the collection "Records of the States of the United States of America, a microfilm compilation."

House of Representatives
Tuesday October 27th 1868

[illegible] appoint, in such [illegible] thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; and

Whereas, [illegible] to the recent admission of Nebraska into the [illegible], the manner in which said electors shall be appointed, has not yet been prescribed by the Legislature;

Now, therefore, that the citizens of this State may exercise their high and sacred privilege in the approaching election of President and Vice President, I, DAVID BUTLER, Governor of the State of Nebraska, by virtue of the authority in me vested, do hereby call upon the Sen[illegible] Representatives elected at the October [illegible], 1866, members of the General Assembly [illegible] said State, to convene at the Capitol, in Om[illegible], at 12 o'clock M., on Tuesday, [illegible] day of October, A. D., 1868, to make [illegible] for the appointment of [illegible] shall deem [illegible]

In conformity with the foregoing proclamation of the Governor of the State of Nebraska, the ~~General Assembly~~ Legislature met at the Capitol in the City of Omaha

Mr. Frost called the House to order at 12 oclock M.

A quorum not being present on motion of Mr. ~~Harvey~~ Dailey the House took a recess ~~until~~ to 3 oclock A.M.

After Receſs

The House met at 3 o-clock
P. M.
Speaker in the Chair
Present:
Richardson County J. T. Hoile
Gustavus Duerfeldt, J. M. Deweese,
and T. F. Collins.
Nemaha County William Dailey
Geo. Crowe and Louis Waldter. ~~and~~
~~C. F.~~
Otoe County Aug. F. Harvey,
W. M. Hicklin, J. B. Bennett, and
G. W. Sroat.
Caſs County, W. F. Chapin, D. Col
A. B. Fuller, and Isaac Wiles
Sarpy County, A. W. Trumble and
Geo. W. Crawford.
Douglas County G. W. Frost
Martin Dunham, Joel T. Griffin
and D. S. Parmelee
Dodge County - Henry Beebe
Dakota County, James Preston
Washington County, D. C. Slader an
J. A. Unthank
Johnson County Geo. P. Tucker

Lancaster County - John Cadman
Burt and Cuming County - Austin Rockwell.
Platte, Merrick, Hall and Buffalo Counties, John Wallichs.

On motion of Mr. Fuller ~~the House proceeded to the election of Temporary Chief Clerk~~ C. H. Gere was appointed Chief Clerk pro tempore.

On motion of Mr. Fuller the House proceeded to the election of Chief Clerk.

Mr. Fuller nominated C. H. Gere.

Those voting for Mr. Gere were Messrs. Beebe, Bennett, Cadman, Cole, Collins Dailey ~~Deweese~~ Deweese Duerfeldt Dunham, Frost, Fuller Griffin Harvey Hicklin Hoile Rockwell, Slader Townsend Tucker Wilbank Waldter, Wiles Sroat Parmelee ~~and~~ Wallichs and Mr. Speaker
- 25.

Mr. Gere having received a majority of all the votes cast was declared duly elected.

On motion of Mr. ~~Cadman~~ Harvey the House proceeded to the election of Engrossing Clerk

Mr. ~~Cadman~~ Harvey nominated J. C. Philpott.

Those voting for Mr. Philpot were Messrs Beebe, Bennett Cadman Cole, Collins, Daily, Duerfeldt. Dunham Fuller Griffin Harvey Hicklin Hoile Rockwell Slader Townsend Tucker Unthank Waldter Wiles Sroat Parmele Wallichs and Mr. Speaker 24

Mr. Philpott having received a majority of all the votes cast was declared duly elected.

On motion of Mr. Tucker the House proceeded to the nomination of Sergeant-at-Arms.

Mr. Tucker nominated Philo Judson.

Those voting for Mr. Judson were Messrs Beebe Bennett Cadman Cole Collins Crowe Daily Deweese Duerfeldt Dunham, Frost Fuller Griffin Harvey Hicklin Hoile Rickwell Slader Townsend Tucker

Trimble, Mulhauk Waller,
Wiles Sroat Parmelee, Wallich
and Mr. Speaker. — 26

Mr. Judson having received a majority of all the votes cast was declared duly elected

Mr. Harvey moved that the rules of the House at the last session be adopted which was agreed to.

A committee from the Senate reported by Mr. Dorn their Chairman that the Senate is now organized and ready for the transaction of busi

Mr. Cadman moved that a committee of two be appointed to wait upon the Senate and inform that body that the House [illegible] is now organized and ready for the transaction of business which was agreed to. and Messrs. Cadman and

Trumble were accordingly appoint

Mr. Frost moved that a Committee of three be appointed to act with a like Committee on the part of the Senate to inform the Governor that the Houses are now organized and ready for transaction of business, and also to invite the Senate to a joint meeting with the House to ~~hear~~ listen to the Governor's message. which was agreed to and Messrs. Frost Fuller and Tucker were appointed

Mr. Waddell of the joint Committee of Senate and House reported that the Committee had performed their duty, and His Excellency had informed them that he would be present in about 10 minutes to deliver his Message.

On motion of Mr. Fuller the House took a recess of 10 minute

After recess.

The Senate being present the joint Convention was called to order by the President of the Senate. The Governor was announced and delivered the following message.

Message—

On motion of Mr. Doom the joint Convention adjourned sine die.

Mr. Harvey moved to refer the Governor's Message to a Special Committee of five (5) who be instructed to report to this House by Bill or otherwise tomorrow morning, which was agreed to and Messrs. Harvey, Frost, Hoile, Fuller, and Sroat were appointed.

On motion of Mr Fuller the House adjourned to 10 oclock to morrow morning

Wednesday, Oct: 28th 1868

Mr. Heavey of the Special Committee to whom was referred the Governors Message made the following report–

Representative Hall,
Omaha, Oct 28 1868

Mr. Speaker

Your Special committee, appointed to consider the Message of his Excellency Gov. Butler, and report by bill or otherwise, beg leave to report ~~that~~ they have had the subject of said message under consideration, and, ~~fo~~ ascertaining that the honorable Senate has now under consideration a bill covering the matter specifically alluded into said message, ~~and~~ recommend that the House await the action of the Senate upon said Bill, believing that thereby time will be saved to the ~~House~~ Legislature.

Aug F. Harvey
Chairman

A B Fuller
J. S. Baile

On motion of Mr. Cadman the report of the Committee was adopted.

Mr. Harvey offered ~~the following~~ a concurrent Resolution.

"Approving a certain lease of Saline Lands in Lancaster County by the State of Nebraska to one A. C. Tichenor".

Mr. Wiles moved to suspend the rules and consider the Resolution which was agreed to.

The question being "Shall the Bill pass"

For the affirmative — Messrs. Baltzly, Beebe, Cadman, Cole, Collins, Dailey Desvell Duerfeldt Fuller, Harvey, Preston, Rockwell Slader, Townsend. Tucker, Waldter Wiles, Sroat, Parmelee, Wallichs and Mr. Speaker, — 21

In the Negative, Messrs Anderson and Griffin - 2

So the Bill was passed

Mr. Daily of the Committee to whom was referred the case of J. N. Taylor claiming a seat in this body as a Representative from Platte County reported as as follows.

Mr Speaker

your committee to whom was refered the case of J. N. Taylor claiming a seat in this body as a representative from platte county and would report that Mr Taylor does not present a certificate of Election but testifies that he has at his home a proper certificate of Election which he neglected to brig with him. your committee are of the opinion that Mr Taylor was duly Elected and would recommend that he be admitted to a seat ~~in this~~

x

William Daily
Chairman

Mr. Cadman introduced H. F. No. "1" Entitled "An Act to provide for the payment of the per diem and mileage of the members of the 4th Session of the Legislature

Read 1st time

Mr. Cadman moved that the rules be suspended and the Bill read the second time, which was agreed to and the Bill read a second time

~~On motion of Mr Harvey the Bill was read engrossed for a third reading.~~

Mr. Harvey moved that the Bill be engrossed for a third reading, and passed which was agreed to and the bill was read a third time

The question being "Shall the Bill pass"

For the affirmative — Messrs Beebe, Cadman, Collins, Dewese, Duerfeld Griffin, Harvey, Hicklin Preston Rockwell, ~~Slader~~, Taylor, Townsend Tucker Trumble. Unthank, Waddle Wiles, Sroat Parmelee Wallichs and Mr. Speaker — 21

So the Bill was passed.

A Meſsage from the Senate by Mr. Holbrook, their Secretary

Senate Chamber
Oct 28th 1868

Mr Speaker,

The Senate has passed a Bill of the following Title:- Viz

S. No. 1- "An Act to provide for the Election of Electors of President & Vice President of the United States:- & to prescribe the Mode of Casting the Electoral Vote of the State of Nebraska

In which I am directed to ask the concurrence of the House

L L Holbrook
Secretary.

The Bill was read the first time

On motion the rules were suspended and the Bill was read a second time.

A Message from the Senate by
Mr Holbrook their Secretary

Senate Chamber
Oct 28th /64

Mr Speaker

I am directed to inform your Honorable Body that the Senate has passed House File No "1" An Act to provide for the payment of the Per Diem & Mileage of the Members of the 4th Session of the Legislature "; without amendment –

L L Holbrook
Secretary.

Mr. Hoile from the Committee on Enrolled Bills reported that the committee had examined and found truly enrolled a bill of the following title, viz:

H. F. No. "1", An Act to provide for the payment of the Per diem and mileage of the members of the 4th Session of the Legislature," when the Speaker signed the same.

A Meſsage from the Governor by Mr. Beals his Private Secretary

Mr Speaker and Members of the House of Representatives:—

I am instructed by the Governor to inform your honorable body that he has approved and signed

House File No 1. An Act to provide for the payment of the per diem and mileage of the members of the 4th Session of the Legislature of the State of Nebraska.

S. D. Beals
Private Secretary

Mr. Frost moved that a committee be appointed to wait upon the Senate and inform that body that the House has finished its busineſs and is ready to adjourn which was agreed to and Meſsrs. Frost, Hoile and Townsend were appointed.

A Meſsage from the Senate by Mr. Holbrook their Secretary

Mr Speaker

The Senate has passed the following Resolution & ask the Concurrence of the House

L E Holbrook
Sec

Mr. Davis from a Committee of the Senate, appointed reported that the Senate has finished its business and is now ready to adjourn.

A Message from the Senate by Mr. Holbrook their Secretary

Mr. Speaker -

The Senate has passed the following substitute for a Concurrent Resolution "approving a certain Lease of Saline Lands in Lancaster County by the State of Nebraska to one H. C. Tichenor."

"Resolved by the Senate, the House of Representatives concursing that the action of the Governor in granting the above described lease, subject to the ratification ~~of~~ by the next regular session of the Legislature is ~~hereby~~ approved and we recommend the next Legislature to take such action as in their judgement may be required in the premises.

Mr. Harvey moved that the substitute of the Senate be concurred in, which was agreed to.

Case 1

a

Be it Enacted by the Legislature of the State of Nebraska

Sect 1st The qualified voters of the State of Nebraska Shall meet at their respective places of holding Elections on the first Tuesday after the first Monday of November, in the year One thousand Eight hundred and Sixty Eight and on the first Tuesday after the first Monday of November Every fourth year thereafter unleſs the Congreſs of the United States Shall appoint a different day and in that case On Such day as the said Congreſs Shall appoint and Shall proceed to Elect as many fit persons as the State Shall then be Entitled to Elect as Electors of president and vice president Which Said Electors Shall be residents of the State and Shall be Chosen by the State at large

ad 1st & 2d
h 27th/1868
ferd Judiciary
E L Holbrook
Sec

ecall

a **Sect 2** The Election shall be conducted by the judges who may have been appointe to hold the General Election for the Same year, and under the same regulations and upon the public notice thereo given in each County as is or may be required by law regulating such General Elections, except the first Election when notice may be dispensed with.

Sec 3

a Returns shall be made the votes canvassed and certificates issued in the same manner and by the same Officers as required by law in the Case of Electing a representative in Congreſs

Sec 4

a It shall be the duty of the Governor at the expense of the State in all cases immediatel to notify the persons chosen o their Election as soon as the same shall have been ascertained agreeably to the provisions aforesaid a

Sec 5 All contested Elections for Electors shall be determined by joint vote of ~~the~~ both houses of the legislature.

Sec 6

a

The Governor shall on or before the meeting of such Electors cause three lists of the names of such Electors to be made and delivered to them as required by act of Congress

As amended
[illegible]

Sec 7 The Electors shall meet at the seat of Government of this State on the day which is or may be directed by the Congress of the United States ~~second Wednesday after the first Wednesday of January next ensuing their appointment~~ and shall ~~give~~ then and there give their votes for president and vice president and shall do and perform all the duties required of them by the act of Congress in that case made a **Sec 8** If ~~the Electors~~ one or more of the Electors appointed under this act fail to attend at the seat of Government by the hour of two o'clock in the afternoon of the day herein pointed out then such elector or electors as attend shall proceed immediately by appointment ~~under their h~~ in writing to fill such vacancy

a **Sec 9** The Electors shall receive for their services the same compensation as members of the Legislature, and the Secretary of State shall audit their accounts and grant them certificates for the amount ascertained to be due which certificates shall be sufficient vouchers to authorise the State Auditor to issue his warrant for the amount which shall be paid out of the State Treasury as other demands a-

Sect 10

This act shall take effect & be in force from and after its passage